



4910-13

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **Noise Exposure Map Notice**

#### **Receipt of Noise Compatibility Program and Request for Review**

#### **Westover Airport**

#### **Chicopee and Ludlow, Massachusetts**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice.

**SUMMARY:** The Federal Aviation Administration (FAA) announces its determination that the noise exposure map for Westover Airport is in compliance with applicable requirements. The FAA also announces that it is reviewing a proposed noise compatibility program that was submitted for Westover Airport in conjunction with the noise exposure map, and that this program will be approved or disapproved on or before May 6, 2019.

**DATES:** The effective date of the FAA's determination on the noise exposure map and of the start of its review of the associated noise compatibility program is November 7, 2018. The public comment period ends on January 7, 2019.

**FOR FURTHER INFORMATION CONTACT:** Richard Doucette, Federal Aviation Administration, Airports Division, 1200 District Ave., Burlington MA 01803.

Comments on the proposed noise compatibility program should also be submitted to the above office.

**SUPPLEMENTARY INFORMATION:** This notice announces that the FAA finds that the noise exposure map submitted for Westover Airport, as submitted by the Westover Metropolitan Development Corporation under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96-193) and 14 CFR part 150, is in compliance with applicable requirements of Part 150, effective November 7, 2018. Further, FAA is reviewing a proposed noise compatibility program for that airport, under Part 150, which will be approved or disapproved on or before May 6, 2019. This notice also announces the availability of this program for public review and comment.

Under Section 103 of Title I of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to as "the Act"), an airport operator may submit to the FAA a noise exposure map which meets applicable regulations and which depicts non compatible land uses as of the date of submission of such map, a description of projected aircraft operations, and the ways in which such operations will affect such map. The Act requires such map to be developed in consultation with interested and affected parties in the local community, government agencies, and persons using the airport. An airport operator who has submitted a noise exposure map that is found by FAA to be in compliance with the requirements of Federal Aviation Regulation (FAR) Part 150, promulgated pursuant to Title I of the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken, or proposes, for the introduction of additional non-compatible uses.

The Westover Metropolitan Development Corporation submitted to the FAA, on November 7, 2018, a noise exposure map, descriptions, and other documentation that were produced during the Airport Noise Compatibility Planning (Part 150) study at Westover Airport from September 2017 to October 2018. It was requested that the FAA

review this material as the noise exposure map, as described in Section 103 (a) (1) of the Act, and that the noise mitigation measures, to be implemented jointly by the airport and surrounding communities, be approved as a noise compatibility program under Section 104 (b) of the Act.

The FAA has completed its review of the noise exposure maps and related descriptions submitted by Westover Metropolitan Development Corporation. The specific maps under consideration were:

“Existing (2018) Conditions Noise Exposure Map, NEM-1”

“Future (2023) Conditions Noise Exposure Map, NEM-2”

The FAA has determined that the maps for Westover Airport are in compliance with applicable requirements. This determination is effective on November 7, 2018. FAA's determination on an airport operator's noise exposure maps is limited to a finding that the maps were developed in accordance with the procedures contained in Appendix A of FAR Part 150. Such determination does not constitute approval of the applicant's data, information or plans, or a commitment to approve a noise compatibility program or to fund the implementation of that program. If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a noise exposure map submitted under Section 103 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise contours, or in interpreting the noise exposure map to resolve questions concerning, for example, which properties should be covered by the provisions of Section 107 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under Part 150 or through FAA's review of a noise exposure map. Therefore, the responsibility for the detailed overlaying of noise exposure contours

onto the map depicting properties on the surface rests exclusively with the airport operator that submitted the map, or with those public agencies and planning agencies with which consultation is required under Section 103 of the Act. The FAA has relied on the certification by the airport operator, under Section 150.21 of FAR Part 150, that the statutorily required consultation has been accomplished.

The FAA has formally received the noise compatibility program for Westover Airport, also effective on November 7, 2018. Preliminary review of the submitted material indicates that it conforms to the requirements for the submittal of noise compatibility programs, but that further review will be necessary prior to approval or disapproval of the program. The formal review period, limited by law to a maximum of 180 days, will be completed on or before May 6, 2019. The FAA's detailed evaluation will be conducted under the provisions of 14 CFR part 150, Section 150.33. The primary considerations in the evaluation process are whether the proposed measures may reduce the level of aviation safety, create an undue burden on interstate or foreign commerce, or be reasonably consistent with obtaining the goal of reducing existing non compatible land uses and preventing the introduction of additional non-compatible land uses.

Interested persons are invited to comment on the proposed program with specific reference to these factors. All comments, other than those properly addressed to local land use authorities, will be considered by the FAA to the extent practicable. Copies of the noise exposure map, the FAA's evaluation of the map, and the proposed noise compatibility program are available for examination at the following locations:

Westover Airport

255 Padgett Street

Chicopee, Massachusetts 01022

Federal Aviation Administration

Airports Division

1200 District Avenue

Burlington, Massachusetts 01803

Questions may be directed to the individual named above under the heading:

FOR FURTHER INFORMATION CONTACT

Issued in Burlington, Massachusetts on November 7, 2018.

**Richard P. Doucette,**

*FAA, New England Region, Airports Division.*

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